

Appl. No. 10/808,744
Amdt. dated May 15, 2006
Reply to Office Action of February 28, 2006

REMARKS/ARGUMENTS

Claims 1-5, 7-10, 17-21 and 28-43 are pending in this application.

Claims 6, 11-16 and 22-27 have been cancelled.

Claims 28-43 have been added.

Independent claim 1 has been amended to claim a dry wiping product and incorporates the subject matter of original claims 22-24 and 16, as well as describing the effect of the deliquescent material as set forth in the definition of a deliquescent material set forth at page 2, lines 7-10. In particular, the deliquescent material has absorbed moisture from the air to form an aqueous solution within the sheet. As moisture is absorbed, the resulting aqueous solution provides an improved feel to the sheet.

Independent claim 28 and its dependent claims have been added and are directed toward a wet wiping product. Support can be found in original claims 1, 14 and 25 and in the specification at page 3, lines 34-36, for example. In the case of wet wipes, the deliquescent material can be incorporated into the wetting solution and serves to retain moisture and prevent the wet wipes from drying out prior to use.

Directing attention to the grounds for rejection, claims 1-27 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-21 of copending Application No. 11/119,304. Enclosed herewith is a provisional Terminal Disclaimer which Applicants believe will overcome this provisional rejection.

Claims 1-27 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Specifically, the recitation that the non-woven sheet contains "an aqueous solution of a deliquescent material" is deemed to not be supported by the specification. The Examiner agrees that the specification teaches a non-woven sheet containing a deliquescent material and that the specification also teaches what the deliquescent material can do (absorb a sufficient amount of moisture from the air to form a solution). However the Examiner draws a distinction between claiming the initial product form (a non-woven sheet and a deliquescent material) as compared to the product form just prior to use after the deliquescent material performs its inevitable function of absorbing moisture (a non-woven sheet and an aqueous solution of the deliquescent material). Applicant does not agree with this distinction.

The whole point of Applicant's invention is to either improve the feel characteristics of a dry wipe by absorbing moisture from the air or, in the case of a wet wipe, retaining at least a portion of

Appl. No. 10/808,744
Amdt. dated May 15, 2006
Reply to Office Action of February 28, 2006

the wetting solution so the product doesn't dry out. Once moisture is absorbed, the moisture is retained by the non-woven sheet in the form of a solution. The presence of the absorbed moisture in the form of a solution is what gives the dry wipe product of Applicant's invention an improved feel. Of course, in the case of a wet wipe, the deliquescent material is placed in solution directly. Applicant is not claiming products that do not contain solutions of the deliquescent material. To be clear, any moisture absorbed by the deliquescent material in Applicant's claimed products will form a solution with the deliquescent material. Contrary to the inference of the grounds for rejection, there is not some unstated large amount of moisture needed to be absorbed before a solution is formed. Quite the contrary, it would be difficult to prevent solution formation as long as the deliquescent material is available to be in solution with the absorbed water. The manner in which the deliquescent material is added to Applicant's products, such as by spraying or incorporation into the wet end of a tissue machine, for example, makes the deliquescent salts available to be in solution in the product.

Independent claim 1 as amended overcomes the basis for this rejection. Claim 1 now recites that the deliquescent material "has absorbed a sufficient amount of moisture from the air to form a solution". Explicit support is found in Applicant's specification at page 2, line 2, where it is stated that "... the deliquescent salts dissolve completely within the absorbed moisture ..." and also at page 2, lines 7-8, where it is stated that a deliquescent material is any solid material "that can absorb a sufficient amount of moisture from the air to form a solution .." This feature is also present in the products of this invention illustrated in the Examples. As such, there is written description support for this amendment.

Turning now to the prior art rejection, claims 1-27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over JP 05-105705. As previously discussed in Applicant's last Amendment, this reference discloses a fibrous product to be used as a desiccant or hygroscopic packing material. The deliquescent salt is trapped within a crosslinked polymer matrix. As such, the deliquescent material cannot form a solution as set forth in amended claim 1 as mentioned above. In addition, and more fundamentally, the teachings of JP 05-105705, including the background discussion, are directed to product forms which do not suggest the use of a deliquescent material in a dry wipe (independent claim 1) or a wet wipe (independent claim 28). In particular, JP 05-105705 is directed to products that are solely intended to absorb moisture and be discarded. This is to be distinguished from Applicant's products, in which the absorbed moisture is an integral part of the performance of the product in use. As a result, there is no suggestion in JP 05-105705 to incorporate deliquescent materials into dry wipes or wet wipes as claimed.

Appl. No. 10/808,744
Amdt. dated May 15, 2006
Reply to Office Action of February 28, 2006

Furthermore, because of the completely different uses, there is no suggestion in JP 05-105705 to provide for an equilibrium moisture content of from about 10 to about 50 percent for dry wipes and from about 30 to 120 dry weight percent for wet wipes as claimed. To the contrary, the intended uses of the products of JP 05-105705 would want maximum moisture absorption rather than a lesser equilibrium moisture content. On the other hand, Applicant's products seek controlled moisture absorption, particularly for dry tissues such as facial tissue, bath tissue and paper towels. Nothing in JP 05-105705 suggests the use of deliquescent material in these products.

For all of the foregoing reasons, it is believed that this application is in condition for allowance and such action is earnestly solicited.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: (920) 721-3616.

Respectfully submitted,

THOMAS GERARD SHANNON

By: 

Gregory E. Croft

Registration No.: 27,542

Attorney for Applicant(s)

CERTIFICATE OF TRANSMISSION

I, Judy Garot, hereby certify that on May 15, 2006 this document is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300.

Typed or printed name of person signing this certificate:

Judy Garot

Signature: 